

## Notice of Allowability

Application No.

10/017,920

Examiner

Paul B. Prebilic

Applicant(s)

TING ET AL.

Art Unit

3738

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed December 6, 2006.
2. ☒ The allowed claim(s) is/are 2-6,8-11,20,21 and 23-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew Douglas on March 2, 2007.

The application has been amended as follows:

Claims 23 and 28 were amended as set forth in the sheets attached to this page.

Claims 30 and 31 were cancelled.

The following is an examiner's statement of reasons for allowance:

Upon review of the prior art of record and a text search, the Examiner discovered that Lang et al (US 6,231,603) disclosed making the posterior lens of larger diameter than the anterior lens as a means to prevent cellular growth in the capsule; see column 3, lines 18-52, especially lines 35-39 and Figure 5. However, Lang does not teach at least the mechanically coupling of the anterior and posterior lenses as in present claims independent claims 23 and 28 (as now amended), the negative powered posterior optic as in independent claim 26, or the 20 diopter power of the posterior lens periphery of the remaining independent claims 6 and 11. Since it would not have been obvious to make these changes to Lang, in that it would apparently destroy the function of the posterior lens to block cell growth, the claims of record are considered patentable.

Most of the newly cited US patents of the enclosed PTO-892 were made of record previously, however, they were not entered into the file electronically. Therefore, they are being cited again herein so that they will be available electronically directly from the file.

The proposed drawing changes filed December 7, 2005 have been approved.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Paul B. Prebilic whose telephone number is (571) 272-4758. He can normally be reached on 6:30-5:00 M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Prebilic  
Primary Examiner  
Art Unit 3738

23. (PROPOSED EXAMINER'S AMENDMENT) An accommodating intraocular lens for implantation in an eye having an optical axis, said lens comprising:

an anterior portion comprised of a viewing element, said anterior viewing element comprised of an optic having a refractive power of less than 55 diopters;

a posterior portion comprised of a viewing element;

said lens having an optical axis which is adapted to be substantially coincident with the optical axis of the eye upon implantation of said lens;

said posterior viewing element comprising an optic arranged substantially coaxially with said anterior optic on said optical axis of said lens, said posterior optic having a larger diameter than said anterior optic, said posterior optic comprising a peripheral portion extending radially away from said optical axis of said lens beyond the periphery of said anterior optic;

wherein said anterior portion and said posterior portion are configured to move relative to each other along said optical axis of said lens between an accommodated state and an unaccommodated state in response to action of the ciliary muscle of the eye;

wherein said anterior portion further comprises an anterior biasing element connected to said anterior viewing element;

wherein said posterior portion further comprises a posterior biasing element connected to said posterior viewing element; and

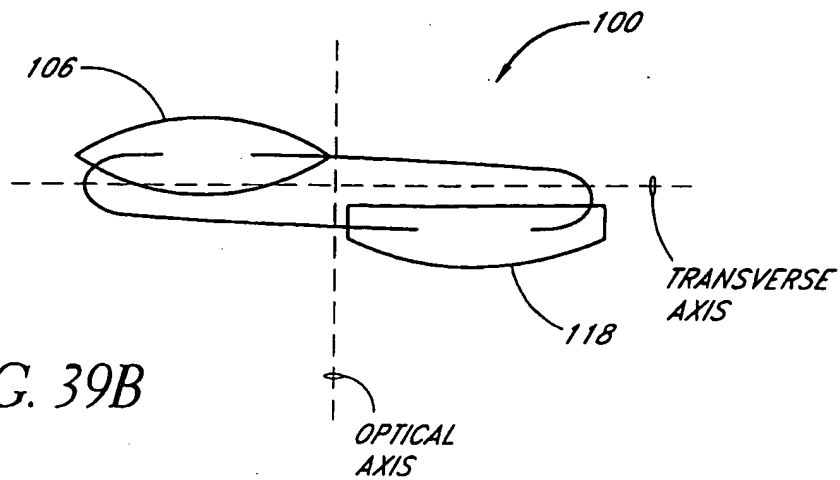
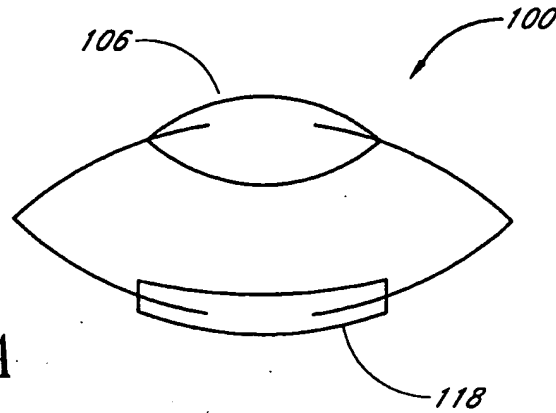
wherein said lens forms first and second apices which are spaced radially from said optical axis, wherein said anterior biasing element and said posterior biasing element are mechanically coupled at said first and second apices of said lens, and wherein at least respective portions of said anterior and posterior optics are disposed on opposite sides of a line passing through both of said apices.

OPTIC CONFIGURATION FOR INTRAOCULAR LENS SYSTEM  
REPLACEMENT SHEET

Albert C. Ting, et al.

Appl. No.: 10/017,920 Atty Docket: VGEN.005A

46/47



changes  
Approved  
BBP  
2/26/07



28. (PROPOSED EXAMINER'S AMENDMENT) An accommodating intraocular lens for implantation in an eye having an optical axis, said lens comprising:

an anterior portion comprised of a viewing element, said anterior viewing element comprised of an optic having a refractive power of less than 55 diopters;

a posterior portion comprised of a viewing element;

said lens having an optical axis which is adapted to be substantially coincident with the optical axis of the eye upon implantation of said lens;

said posterior viewing element comprising an optic arranged substantially coaxially with said anterior optic on said optical axis of said lens, said posterior optic having a larger diameter than said anterior optic, said posterior optic comprising a peripheral portion extending radially away from said optical axis of said lens beyond the periphery of said anterior optic;

wherein said anterior portion and said posterior portion are configured to move relative to each other along said optical axis of said lens between an accommodated state and an unaccommodated state in response to action of the ciliary muscle of the eye;

wherein said anterior portion further comprises an anterior biasing element connected to said anterior viewing element;

wherein said posterior portion further comprises a posterior biasing element connected to said posterior viewing element;

wherein said lens forms first and second apices which are spaced radially from said optical axis, wherein said anterior biasing element and said posterior biasing element are mechanically coupled at said first and second apices of said lens, and wherein at least respective portions of said anterior and posterior optics are disposed on opposite sides of a line passing through both of said apices; and

wherein said peripheral portion has positive refractive power.